

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. David J. Brushel, II

Docket No. 5:12-MJ-1594-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Mindy L. Threlkeld, probation officer of the court, presenting an official report upon the conduct of defendant, David J. Brushel, II, who was placed under pretrial release supervision by the Honorable William A. Webb, U.S. Magistrate Judge, sitting in the Court at Fayetteville, NC, on the 11th day of September, 2012, under the following conditions:

- Report to the probation office or supervising officer as directed.
- Refrain from any use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Report as soon as possible to the supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant had contact with law enforcement on March 17, 2013, when his brothers were arrested for firearms related offenses in Milwaukee, Wisconsin, and failed to notify the probation office of this law enforcement contact. The defendant was temporarily detained due to the nature of the offense and due to the fact that the defendant appeared to be highly intoxicated. The defendant was later released without incident. USPO Chelsea Oppert attempted to make contact with the defendant due to him missing two urinalysis, and to inquire about the contact with law enforcement, but the defendant changed residences without permission. USPO Oppert sent a letter to the address listed on the police report with instructions to report to the probation office on March 26, 2013, at 8:30am. The defendant reported as instructed and admitted to changing his residence on or about March 9, 2013, and drinking to the point of intoxication on March 17, 2013.

PRAYING THAT THE COURT WILL ORDER that a hearing be scheduled to determine if the defendant has violated the conditions of his bond.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

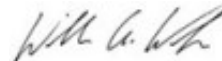
/s/Mindy L. Threlkeld

Robert L. Thornton
Supervising U.S. Probation Officer

Mindy L. Threlkeld
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: April 1, 2013

ORDER OF COURT

Considered and ordered this 3rd day of April, 2013, and ordered filed and made a part of the records in the above case.



William A. Webb
U.S. Magistrate Judge